

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA,**

**v.**

**WILLIAM RICHARD DUBOSE**

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**CASE NUMBER 6:07-CR-0063-001-JDK**

**REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On April 2, 2019, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant William Dubose. The government was represented by Bob Wells, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

Defendant originally pled guilty to the offense of Possession of Material Involving the Sexual Exploitation of Minor, a Class C felony. The offense carried maximum imprisonment term of 10 years. The United Sentencing Guideline range, based on a total offense level of 30 and a criminal history category of I, was 97 to 120 months. On November 6, 2007, District Judge Michael H. Schneider sentenced Defendant to 97 months imprisonment followed by a 5 year term of supervised release subject to standard conditions of release, plus special conditions to include sex offender registration, financial disclosure, sex offender treatment and testing, no contact with minors, restrictions from pornography, a search condition, computer monitoring software, and portable electronic restriction. On August 21, 2014, Defendant completed his period of imprisonment and began service of the supervision term. Defendant's term of supervision was subsequently revoked on April 8, 2015 and Defendant was sentenced to 5

months imprisonment with 4 years supervised release to follow. On July 29, 2015, Defendant completed that term of imprisonment and began service of his supervision term.

Under the terms of supervised release, Defendant was required to refrain from possessing or viewing any images in any form of media or in any live venue that depicts sexually explicit conduct. In its petition, the government alleges that Defendant violated his conditions of supervised release when he admitted to possessing and viewing media on a smartphone that depicted sexually explicit conduct throughout the month of December 2018.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release when he admitted to possessing and viewing media on a smartphone that depicted sexually explicit conduct throughout the month of December 2018, Defendant will have committed a Grade C violation. U.S.S.G. §7B1.1(a). Upon a finding of a Grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of I, the guideline imprisonment range for a Grade C violation is 3 to 9 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the condition of supervised release referenced above by committing the acts as alleged in the government's petition. In exchange, the government agreed to recommend to the Court a sentence of 7 months with three years supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant William Dubose be committed to the custody of the Bureau of Prisons for a term of imprisonment of 7 months with 3 years supervised release to follow. The Court **FURTHER**

**RECOMMENDS** that the place of confinement be Forest City, Arkansas, if available. The Court **FURTHER RECOMMENDS** sex offender treatment. The parties waived their objections and therefore this matter will be immediately presented to the district judge for consideration.

**So ORDERED and SIGNED this 2nd day of April, 2019.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE